

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----	X	
	:	
SEAN VALDES,	:	
	:	
Plaintiff,	:	
	:	21-CV-0914 (VSB) (SN)
- against -	:	
	:	<u>OPINION & ORDER</u>
	:	
COMMISSIONER OF SOCIAL SECURITY,	:	
	:	
Defendant.	:	
	:	
-----	X	

Appearances:

Daniel Berger
NY Disability, LLC
Bronx, New York
Counsel for Plaintiff

Ariella Renee Zoltan
Jessamyn Hanna
Oona Marie Peterson
Social Security Administration
Baltimore, MD
Counsel for Defendant

VERNON S. BRODERICK, United States District Judge:

On February 2, 2021, Plaintiff Sean Valdes (“Plaintiff” or “Valdes”) filed this action seeking judicial review of the final decision of the Commissioner of Social Security (“Defendant” or “Commissioner”) that he was not entitled to Title II Social Security Disability Insurance Benefits under the Social Security Act. (Doc. 1.) On February 4, 2021, I referred this case to Magistrate Judge Sarah Netburn. (Doc. 7.)

On April 11, 2022, Plaintiff filed a motion for judgment on the pleadings, (Doc. 24), and a memorandum of law in support, (Doc. 25). On June 7, 2022, Defendant filed a cross motion

for judgment on the pleadings, (Doc. 26), and a memorandum of law in support, (Doc. 27). On June 9, 2022, Plaintiff filed a reply. (Doc. 28.) On August 11, 2022, Magistrate Judge Netburn issued a thorough 28-page Report and Recommendation recommending that “Valdes’s motion be denied and the Commissioner’s motion be granted.” (Doc. 29 at 28.) Neither party filed any objections to the Report and Recommendation.

A district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). “To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record.” *Nelson v. Smith*, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985).

Although the Report and Recommendation explicitly provided that “[t]he parties shall have fourteen days from the service of this Report and Recommendation to file written objections pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure” and “[t]he failure to file these timely objections will result in a waiver of those objections for purposes of appeal,” (Doc. 29, at 28), neither party filed an objection or requested additional time to do so. I have reviewed Magistrate Judge Netburn’s detailed and well-reasoned Report and Recommendation for clear error and, after careful review, find none. I therefore ADOPT the Report and Recommendation in its entirety.

The Clerk's Office is respectfully directed to terminate any open motions, to enter judgment in accordance with this Order, and to close this case.

SO ORDERED.

Dated: July 18, 2023
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick". The signature is written in a cursive, flowing style. The first name "Vernon" is written with a large, prominent "V" and the last name "Broderick" follows in a similar cursive script.

Vernon S. Broderick
United States District Judge